

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDWIN JAMES BITTNER,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 04-12465-MLW
OPTOS, INC.,)	
)	
Defendant.)	

SCHEDULING ORDER

After a conference held today in accordance with Fed. R. Civ. P. 16(b), the court
ORDERS the following, as agreed to by all parties:

1. Fact discovery, including written requests and depositions, shall be completed by **October 30, 2005**.
2. The plaintiff shall file a stipulation dismissing the conversion count of the complaint.
3. The next status conference is scheduled for **October 17, 2005, at 2:30 P.M.** At that time, the parties shall be prepared to discuss:
 - (a) the status of the case;
 - (b) scheduling for the remainder of the case through trial;
 - (c) use of alternative dispute resolution ("ADR") programs; and
 - (d) consent to trial before the Magistrate Judge.
3. The parties shall submit a brief joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph (2) above. The parties shall just indicate if an agreement has been reached to use ADR or to have the matter tried by a Magistrate Judge. The respective positions of each party do not have to be identified.

DATED: May 2, 2005

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge